

WATER BILL EMASCULATED.

SENATE COMMITTEE STRIKES OUT IMPORTANT CLAUSE.

It Gave the City Authority to Furnish Light and Power to Private Consumers—Mayor McCellan's Strong Protest to Gov. Higgins Proves of No Avail.

ALBANY, April 19.—There is much speculation as to the influence which has caused the Senate Cities Committee to strike from the bill introduced by the Assembly, a provision that Mayor George B. McCellan, a provision that in connection with the additional water supply which the bill permits New York city to get in other counties, there may be operated a plant by which the water supply may be used in generating power and electric light, not only to supply the needs of the city, but to furnish electric light to private consumers at a price much less than they now pay to the electric lighting companies. This provision was in the bill when it was agreed to by all interests before it passed the Assembly, and Gov. Higgins accepted it when he sent to the Assembly a week ago an emergency message without which the bill could not have been passed.

The bill during the first three months of its existence in the Legislature met with so much opposition and so many obstacles that the electric lighting corporations and the gas companies in New York city were huddled into a sense of fancied security, being told that the bill would never get through. When they realized that the Legislature dare not refuse to pass the bill they were up and renewed in the Senate their efforts to kill the provision referred to. They have been successful.

Last night, in executive session, the Senate Cities Committee considered this bill and on motion of Senator White, chairman, the provision was stricken out. This was done after Senator White had conferred with Gov. Higgins and the Republican legislative leaders. The open opinion expressed was that if a Republican Legislature enacted it it would make Mayor McCellan, as a candidate for reelection next fall, too strong before the people. That was the ostensible reason. The real reason is that the lighting corporations of New York city are responsible for the elimination of this provision.

The Senate Cities Committee reported the bill to-day as thus amended to be reprinted and recommitted. When Mayor McCellan learned of this action this morning he immediately telegraphed Gov. Higgins as follows:

"I have been informed by Senator Martin over the long distance telephone that you have taken the position that the bill for an additional supply of water for the city of New York must be further amended so as to deprive the city of the right to utilize the electrical power that may be generated by the fall of water of any stream or dam in the territory which may be taken thereunder. If this be so, I ask you to reconsider your determination.

"First—Because if such natural energy would otherwise be wasted it would be contrary to every tenet of economy not to use it.

"Second—As the city will have to pay for the property taken for its water supply, it should not be deprived of the natural usufruct enjoyed by every other proprietor.

"Third—This provision in the bill is in keeping with those of similar measures for modern water systems.

"Fourth—If electrical power should be so produced its use and sale for public purposes will diminish the cost of maintenance to the public.

"Fifth—It may help us in the solution of the graver problems affecting the public lighting of the city.

"Sixth—Because private corporate interests had been sedulously urging that they be given this right by exploitation and have persistently endeavored to induce me to omit any such provision from the bill.

"These corporate interests are not seeking the public welfare, and in behalf of the city I ask you to second my efforts to defeat their interference with the natural rights of the public.

"There are other important considerations, but I hastily collate these so as to enable you to consider the matter before the meeting of the Senate Cities Committee to-day."

To-night Gov. Higgins wrote to Mayor McCellan, declining to favor a restoration of the provision mentioned. Gov. Higgins's letter follows:

"In reply to your telegram, I have to say that I have not taken the position that the water bill must be further amended in the manner which you suggest. I have said that, in my judgment, the proposition contained in the bill that the Board of Water Supply may sell power and also water for manufacturing purposes, when not needed for city purposes, is a novel one not contained in the present city Charter and not germane to the main purpose of your bill.

"The city has asked for legislation to enable it to obtain the necessary additional supply of pure and wholesome water. I have seconded your efforts in this direction. The city now has legislative powers to acquire lands for an additional water supply under the Charter, as it will have under the Tompkins bill, except that the new commission may be a more efficient agency than the old commission. I have sustained your position in regard to the new commission with unlimited tenure of office.

"It now appears that the city seeks, under the provisions of section 26 of the bill, authority to take, in addition to its own necessary water supply, a supply of water to be sold for manufacturing purposes, and it also seeks authority to go into the business of power development and transmission.

"These activities may or may not be proper municipal functions. This extension of the principal of municipal ownership demands serious consideration on its own merits, and not as a mere incident to a general plan. The localities suffer serious inconvenience, that can be justified only by the plea of necessity, when their lands are taken to furnish the city with water for domestic and municipal purposes. They should not be put to the further inconvenience of having their water power and water not needed by the city taken away from them, to be sold by the city for revenue.

"The Legislature will consider carefully the sweeping innovations contained in section 26 of the bill before adopting them."

The Governor was asked if this was not

JAPAN MAY CALL ON ENGLAND.

CAN DEMAND ALLY'S AID IF FRANCE VIOLATES NEUTRALITY.

Protest Sent to Paris Against Allowing the Baltic Fleet to Remain in Kamranh Bay—Five Hour Conference at Tokio—French Premier's Statement.

Special Cable Despatches to THE SUN.

TOKIO, April 19.—It is stated that Japan has made a strong protest to France against the Baltic fleet staying at Kamranh Bay, French Indo-China. It is strongly felt here that France is actively assisting the Russians within what is practically the zone of hostilities.

The expected advent of the third Russian squadron into the China Sea in about a week strengthens the opinion that the situation is one of exceeding gravity so far as French neutrality is concerned, and that it may force Japan to avail herself of her alliance with Great Britain, which provides in the event of Japan being attacked by any two Powers Great Britain is bound to assist her.

The Elder Statesmen and the members of the Cabinet held a conference to-day which lasted five hours. The subject was the proposed amendment to the law of 1900, which is part of the war fund provided for in the budget, will be opened on May 1. The terms will be generally the same as those of the fourth domestic loan.

PARIS, April 19.—In the Chamber of Deputies to-day Premier Rouvier said that the Government was doing everything necessary to assure the maintenance of neutrality in the Far East. The salient point of the debate was that France was unwilling to follow any policy that would be likely to result in an armed conflict.

LONDON, April 20.—A despatch to the Telegraph from Tokio says that matters have reached the inevitable crisis in reference to the unwarranted stay of the Baltic fleet at Kamranh Bay. Japan has adopted the only course open to her and a formal protest has been delivered to France. It is expected that Great Britain will heartily support this action.

The incident is regarded as being covered by the Anglo-Japanese alliance, but it is hoped that France will conform to what are considered the elementary principles of neutrality. Otherwise the situation, to which there must be a time limit, will become exceedingly grave. The Japanese fleet is ready to go to Hongkong, and the tone of the press continues indignant.

The Kokumai declares that if the Japanese protest is ignored Kamranh Bay must be regarded as a Russian base. The Jiji Shimpu says that a protest without a ready force supporting it is useless. All the papers praise the Government's insistent attitude.

The Baltic fleet has been amply coaled and provisioned at Kamranh Bay. It has been ascertained that the Russian fleet was anchored there on April 12. It is stated that strange transports were seen in the bay even earlier than that date.

The crisis suggests that the present center of interest is Saigon, from which place Kamranh Bay is controlled. A British steamer that has arrived at Nagasaki reports that on April 14 she saw an American squadron proceeding for Saigon, and also another squadron, presumably British, bound for Borneo.

The St. Petersburg correspondent of the Telegraph represents that Russia sought France's help on behalf of the Baltic fleet. A brisk exchange of views occurred between France and Russia, and unofficially between Russia and Germany, with the result that all three Powers agreed to abstain from the restrictive construction hitherto put on neutrality obligations by certain Powers was excessive and unjustified or that it had become incompatible with latter day conditions.

France, it is credibly asserted, is eager to extend her benevolence to the furthest extent compatible with immunity from international reprisals, regarding immunity largely insured by England's friendship.

M. Delcasse, the French Foreign Minister, is alone reluctant to incur serious risks. Russia's German friends are extremely optimistic. They are confident that England's influence will tranquilize the Japanese. It is stated that M. Delcasse reluctantly intends to request Admiral Rozhdestvensky to move on.

HONGKONG, April 19.—Two steamers that passed close to Kamranh Bay on April 16 report that no Russian vessels were visible there.

Extraordinary orders for vegetables have been received at Saigon. More than thirty orders received by cable have not been filled. AMOY, April 19.—The steamship service between Japan and Formosa has been stopped. The officials here have held a conference, and determined to insist upon the neutrality of the port in the case of either belligerent.

ON GUARD AT THE PHILIPPINES.

United States Warships There to Preserve Neutrality.

Special Cable Despatches to THE SUN.

MANILA, April 19.—The two unknown warships which were reported yesterday to be lying in an inlet near Lingayen Bay, and to observe which the gunboat Quiros was sent from Manila by Rear Admiral Train, departed last night in the darkness. The Quiros is still searching the coast. She has not reported her experiences yet.

Nine vessels supposed to be warships were observed to-day at various points of the coast of Luzon and the Sulu Islands. Doubtless, a majority of them were merchantmen. It is likely that numerous inaccurate reports will continue to be received until there is a battle.

LABUAN, Borneo, April 19.—The United States torpedo boat destroyers Chauncey and Barry sailed this morning from this port to join the cruiser Raleigh in patrolling the southern Philippine Islands.

WASHINGTON, April 19.—Rear Admiral Train, commanding the Asiatic station, has informed the Navy Department of the steps he has taken to preserve the neutrality of the Philippines. According to his report, cabled to-day, the gunboat Paragua is at Jolo, the southernmost of the islands, the gunboat Miranda at Polloc, on the island of Mindanao; the battleship Wisconsin at Olongapo, in Luzon, north of Manila; the gunboat Quiros at Lingayen Gulf, and the destroyers Dale and Decatur of the island of Palawan, the most western of the Philippine group.

Eastward Present.

Diamonds, Pearls and Precious Stones; special designs in gold, silver, platinum and steel. Wm. H. Phelps & Co., 145 Madison Lane, N. Y.—Advt.

Authorized Christian Science Emblem.

14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Insist upon having Burnett's Vanilla—Advt.

FLUNG GIRL FROM VIADUCT.

Man, Apparently Dazed by Cocaine, Hurled Her to Ground 80 Feet Below.

CINCINNATI, April 19.—Loretta Kreider, 9 years old, and her brother, 6 years old, were walking across the Liberty street viaduct this afternoon, when a man spoke to the girl. After a few words he caught her in his arms and deliberately flung her off, swinging the body clear of the side railing so that the fall would be unimpeded down the eighty-foot feet.

The man had first caught off the boy's cap and thrown it some distance away from the viaduct. When the little fellow returned from getting it he missed his sister. The stranger by that time had disappeared. Two men from the other end of the bridge had seen the man throw the girl over the railing. These and other persons speedily climbed down to the little girl, who was still alive.

She was taken home. The doctors said she would die before morning. Death would have been instantaneous but for the soft ground on which she fell. Two hours later the police found a white man hiding near the viaduct in the weeds. He was hatless, and acknowledged that he had found on the viaduct was his. He was half dazed, apparently from cocaine.

The Kreider boy identified him as the assailant. He was taken before the dying girl and she at once said he was the man. At the police station he registered as Charles Finch, 33 years old, teamster. The police think he climbed down to get the girl, but was frightened away. The prisoner says he snuffed some cocaine for a cold and doesn't remember anything after that.

JEROME WINS OUT AGAIN.

His Original Bill to Protect Merchants From Dishonest Creditors Reported.

ALBANY, April 19.—District Attorney Jerome has again won a victory over Senators Brackett and Elberg. They were the principal opponents of Mr. Jerome's bill to protect merchants from dishonest creditors. The bill was reported by Brackett and Elberg. When it was reported it was so amended as to make it objectionable to Mr. Jerome and during the absence of Senator Sax was recommitted to the Senate Codes Committee.

Mr. Jerome came to Albany to-day and appeared before both the Senate and Assembly code committees, and the result was that each committee reported favorably the original bill without amendment.

CIGARETTE LAW LIMITED.

First Decision in Indiana Is That It Applies Only to Dealers.

INDIANAPOLIS, April 19.—The first decision under the anti-cigarette law was given to-day in this city by Judge Whalen in the case of William F. Stanley, who was arrested yesterday on a charge of having on his person paper out of which cigarettes are made. Stanley did not deny the charge, but the Court dismissed the complaint on a statement of facts showing that Stanley was not a tobacco dealer.

The Court declared that the law applies only to dealers and that a person who is not a dealer in cigarettes, but who has in his possession or having the "makings" in his possession.

Two victims of the cigarette habit were reported to-night. William Harisaw of New Albany went over to Louisville, bought a number of packages of cigarettes, smoked them all before midnight and then took morphine. John Subst of Nappanee, died from an excessive use of cigarettes, having laid in a large supply in anticipation of the law going into effect.

KEYS TO SYNDICATE CASH?

Suggested to Be Far Vault Where Franklin Loot Is Deposited.

John B. Lord, referee in charge of the attempt to get together as much of the money as may be found in the possession of the members of the Franklin Syndicate, or Miller get-rich-quick concern, held a hearing at his office in the Garfield Building, Brooklyn, yesterday, at which Mrs. Esther S. Blake, the aged mother of the late Edward Schlesinger, Miller's partner, was the principal witness. Before Mrs. Blake left the witness chair she turned over to Referee Lord two keys which she said her son had given her upon the eve of his flight, telling her that she must keep them and under no circumstances give them up to any one but himself. She declared the keys were for a safe deposit vault, but could not tell where the vault was.

William F. Miller was at the investigation yesterday and testified as to the general appearance of his partner. He told the referee that he understood that the keys would not alone open the safe deposit vault, in which it is now believed the \$25,000 of Schlesinger's money is hidden. He has taken to Europe with him.

TO SEE IF DYNAMITER'S SANE.

If He's Mad, Rousseau Will Get a Pleasant Prison in Mattawan.

Recorder Goff has appointed a commission composed of D. Cady Herrick, Alexander M. Hadden and Dr. Carlos F. MacDonald to examine into the sanity of Gessler Rousseau, or Russell, the Chicago man who was convicted of sending dynamite with a machine to set it off to the Cunard dock just before the Umbria sailed. A preliminary examination of Rousseau was made by Drs. James E. Kelly, Dr. Edward D. Fisher, and they reported that Rousseau was insane on the subject of high explosives. If Rousseau is declared insane he will be sent to Mattawan.

JAPS TAKE TWO VILLAGES.

Russian Commander Reports a Small Defeat.

Special Cable Despatches to THE SUN.

ST. PETERSBURG, April 19.—Gen. Linievitch reported on April 14 the Japanese attacked and occupied two villages. Their further advance was arrested.

Hundreds of workmen will start for Vladivostok to-morrow.

TOKIO, April 19.—Headquarters reports the occupation on Saturday by a Japanese force of the town of Fungwa, near the Korean frontier, about fifty miles east of Hinking.

It is learned from other sources that there has been some severe skirmishing at Kiju, in northern Korea, where numerous Cosack detachments are scouting. Large Russian forces are stationed along the northern Korean frontier.

After all, USHER'S, the Scotch that made the big bang.

STOCK TRANSFER BILL SIGNED.

THE NEW LAW GOES INTO EFFECT ON JUNE 1.

In a Memorandum to Go With the Bill the Governor Says He Doesn't Believe a Small Tax Like That Imposed Will Drive the Business Out of the State.

ALBANY, April 19.—Gov. Higgins signed the stock transfer bill just before he left the Capitol for the Executive Mansion after 6 o'clock to-night and it takes effect June 1. The Governor conferred with the financial correspondent of a New York city newspaper about some features of the bill this afternoon. He said he sent for the man because he thought he could give him the information he desired. The new law is Chapter measure is Chapter 212, also signed by the Governor, amending the Penal Code to prohibit the forging of the stamps to be employed under the stock transfer bill. The Governor prepared the following memorandum to go with the bill:

"I have given my approval to the above bill. It imposes a tax of \$2 per 100 shares on transfers of corporate shares, or on each \$100 par value thereof. The tax is moderate in amount. Similar taxes are levied in other countries and were levied in the United States under the war revenue tax law.

"It has been argued with much force and a great deal of truth that the business of dealing in corporate shares is necessary and useful. It has been asserted that even a small tax as that imposed by this act must drive the business out of the State. Experience with taxes of this sort on the Continent of Europe does not seem to indicate that the business of stock brokers has been suppressed or even seriously checked by them.

"It may be said in favor of the tax that there is perhaps no other sort of capital which at present escapes taxation as completely as that employed in stock transactions. It is generally conceded that the imposition of a like tax by Congress during the Spanish war did not drive business out of the United States and did not cause great hardship to those engaged in the business of dealing in stocks.

"A State tax of this kind is undoubtedly to some degree experimental in its character. If its results are those which we have every reason to expect it will produce a substantial revenue without unduly burdening the business of interstate and financial affairs of the State. If on the other hand it should prove that the bill is a disappointment in the way of producing revenue, or inimical to the welfare of the State the deliberations and recommendations of the commission to consider revenue and taxation which I trust will be provided for at the present session of the Legislature will suggest a more equitable and productive substitute.

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"The bill takes effect immediately, it provides that no transfer of stock made after June 1 shall be legal unless the stamp through which the tax is to be paid is attached to the stock book or certificate of transfer. The stamps are to be prepared and sold by the State Comptroller and placed on sale in such places as he may deem necessary. In order to see that the stamp tax is paid, the Comptroller is authorized to examine the books of any person, firm, company, association or corporation.

Aside from the fact that no transfer of stock shall be legal unless the stamp is attached, a civil penalty is provided of \$500 for each violation. State Comptroller Kelly said to-night that he had not made any arrangements to print the stamps provided for by the law, but will start to-morrow to get ready the machinery to put the law into effect. He will be in ample readiness by June 1.

SLOW HITS FERRYBOAT.

Buys Into Men's Cabin on the Montclair—Two Cut by Broken Glass.

The ferryboat Montclair of the Hoboken ferry was run into after she left her slip at the foot of Christopher street at 10 o'clock last night by a scow, one of a large tow that was on the way down the river. The scow hit the ferryboat on the starboard side, well forward, and broke a hole in the side of the men's smoking cabin and a couple of windows.

The Montclair lacked away quickly and was free of the scow some time to please the passengers on the ferryboat. Men sitting on the starboard side in the forward cabin were thrown from their seats by the force of the collision and two men were cut by flying glass.

The hole in the cabin above the deck line was the only damage to the ferryboat. She kept on to Hoboken and when she had discharged her passengers was laid up for repairs.

THE CASTILLA LONG OVERDUE.

Fear That Hamburg-American Liner May Be Lost.

Special Cable Despatches to THE SUN.

LONDON, April 19.—The underwriters are anxious concerning the safety of the Hamburg-American Line steamer Castilla, which was due to arrive at Vera Cruz at the end of March. She was returned to-day at the rate of 90 per cent. She carries about a dozen passengers and a crew of thirty.

EGGERS RAID ON FIFTH AVE.

14 Telephones Seized in Re-Carpeted Place Near the Waldorf.

Acting Captain Eggers led his ax brigade in a raid at 325 Fifth avenue yesterday afternoon. He broke into an alleged pool-room exchange on the top floor.

Eggers and his men found that the stairway from the third to the top floor had been enclosed and at the head of the stairs was a door made of heavy timber about 4 inches thick. Eggers himself attacked this with a sledgehammer. The force of the blow shook the building and a few minutes the door gave way, disclosing a corridor. At the end of this another door was forced open with a crowbar. The police then found themselves in a large room, elaborately fitted up, in which were five men.

Several long tables occupied the centre of the room. On them were fourteen telephones. Near by was a switchboard with a dozen dials. Scattered about were some racing charts and cards and a lot of "dope." A heavy velvet carpet covered the floor. Oil paintings and water colors adorned the walls and the furniture was of massive oak highly polished.

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PRESIDENT HAMSEY RESIGNS.

Quits as Head of the Wabash-Pittsburg Terminal—Friedman With Gould.

ST. LOUIS, April 19.—President Ramsey of the Wabash-Pittsburg Terminal Railroad Company, held in New York to-day, his resignation as president of the company had been accepted and that Frederick A. Delano had been elected his successor.

He came to the Wabash from the Terminal in 1903, succeeding Charles M. Hays as vice-president and general manager. The success of his administration has been shown in the increased earnings each year and the property to-day is in fine physical condition.

CAPT. DILLON SAVES SIX.

Dashed Into Burning Tenement House and Steered Women and Children to the Roof.

Police Captain Dillon of the Central Park station was on an Eighty-sixth street car yesterday afternoon when he saw the engines going to a fire at 415 East Eighty-sixth street. He jumped off the car and went to the fire. He found smoke and flames shooting from the windows of a four story tenement house and the street full of excited people.